

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9694 OF 2015

Inamdar Multispecialty Hospital & Anr. ... Petitioners.

V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. Sanjay Bhojwani, Advocate for the Petitioners.

Mr. A. I. Patel, AGP, for the Respondent No.1.

Mr. Sagar Amrut Rane, Advocate for the Respondent Nos. 3 & 4.

CORAM : A.S.OKA & C.V.BHADANG, JJ.

DATE : 18th JANUARY, 2016.

P.C. :

1 Heard learned counsel appearing for the Petitioners, the learned counsel appearing for the Respondent Nos. 3 and 4 and the learned AGP for the State.

2 A complaint filed by the Respondent Nos. 3 and 4 against the Petitioners under the Consumer Protection Act, 1986, is pending before the Principal Seat of the State Consumer Disputes Redressal Commission, Maharashtra, Mumbai (for short, "State Commission"). By order dated 9th July, 2015 passed by the learned Presiding Member of the State Commission, it is recorded that the prayer made for transfer of the complaint filed by the Respondent Nos. 3 and 4 to the

Circuit Bench, Pune, is rejected. As far as this order is concerned, there is a statutory remedy available to the Petitioners under clause (b) of Section 21 of the Consumer Protection Act, 1986 before the National Commission. Hence, this petition, in so far as to this challenge is concerned, cannot be entertained.

3 There is also a challenge in this petition under Article 226 of the Constitution of India, to the Circulars dated 10th February, 2015, 4th March, 2015 and 9th March, 2015 issued by the State Consumer Disputes Redressal Commission, Maharashtra, Mumbai. The said circulars were required to be issued in the light of the Government Notification dated 23rd January, 2015, issued in exercise of the powers under section 17(B) of the Consumer Protection Act, 1986. The said Notification reads thus:-

“In exercise of the powers conferred by section 17B of the Consumer Protection Act, 1986 (68 of 1986), the Government of Maharashtra hereby, in consultation with the State Commission, notified that the State Commission may also perform its functions at Kolhapur, Pune, Nashik and Amaravati, as its Circuit Benches.”

As per the said Notification, the State Government has authorized the State Commission to perform its functions at Kolhapur, Pune, Nashik and Amaravati, as its Circuit Benches.

As a result of the creation of Circuit Benches, the aforesaid Circulars have been administratively issued by the State Commission for dealing with the issues of transfer of the matters, which were pending. Apart from the fact that the circulars are purely administrative in nature dealing with the transfer of the pending matters to the Circuit Benches as well as filing of such matters on the establishment of the Circuit Benches, the same have been issued for implementation of the decision of the State Government of establishing the Circuit Benches. Under Article 226 of the Constitution of India, no case is made out for interfering with the said administrative circulars. Notwithstanding the permission granted to do business at the Circuit Benches, the Principal Seat of the State Commission at Mumbai, does not cease to have jurisdiction even if the cause of action for filing a complaint has arisen in Pune.

4 Hence, no case for interference is made out in this writ petition. The writ petition is, accordingly, rejected. However, the remedy of the Petitioners for challenging the order dated 9th July, 2015 is kept open.

(C.V. BHADANG,J.)

(A.S. OKA, J.)

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